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10/776,906

02/11/2004

Rens Hansort

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05/16/2005

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EXAMINER

SLACK, NAKO N

ART UNIT

PAPER NUMBER

3635

DATE MAILED: 05/16/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/776,906

Applicant(s)

HANSORT, RENS

Examiner

Naoko Slack

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 18 January 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-5,7-10,12-19,21,22 and 25-29 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-5,7-10,12-19,21,22 and 25-29 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 11 February 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date <u>two pages, 6/7/04</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Amendment

In view of Applicant's Amendment received January 18, 2005, amendments to the specification have been entered. Claims 6, 11, 20, 23, and 24 have been canceled as requested. New claims 26-29 have been entered and examined. Claims 1-5, 7-10, 12-19, 21, 22, 26-29 are pending.

Specification

The disclosure is objected to because of the following informalities: On page 4, paragraph 18, line 7, - - by - - should be inserted between "defined" and " the bar". On page 6, paragraph 25, line 4 from the bottom, "apertuer" should be changed to - - aperture - -. Appropriate correction is required.

Claim Objections

Claim 26 is objected to because of the following informalities: In claim 26, line 2, "diameter of the width" does not make sense. Appropriate correction is required.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claim 26 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claims 26 and 28 recites the limitation "the diameter of the first flat side" and "the diameter of the second flat side" in lines 2-3 and lines 1-2, respectively. There is insufficient antecedent basis for this limitation in the claim. Furthermore, it is unclear how a flat side can have a diameter.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-5, 7, 9, 10, 12, 14, 15, 16, 18, 19, 21, 22, 25-29 are rejected under 35 U.S.C. 102(b) as being anticipated by US Patent 3,297,293 to Andrews et al.

Claim 1:

Andrews et al. discloses a concrete anchor comprising a bar (26) having a first end (left side of bar) and a second end (right side of bar) adjacent the first end, and an intermediate portion curved to at least partially define an aperture (top curved portion of bar), the aperture capable of engaging lifting hardware; and a stem (15) having a first end coupled to the first end and the second end of the bar via bolts (27) and the second end of the stem coupled to a foot (17); wherein the bar further comprises a first

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indentation (left central portion of bar) located on an inner portion of the bar opposite a first flat side (left flat portion is engaged by bolt head 27), and a second indentation (right central portion of bar) located on an inner portion of the bar, opposite a second flat side (right flat portion is engaged by bolt head 27).

Claim 2:

The bar, stem, and foot of Andrews et al. are considered integral as they are fastened together by pins (27) and the fastener (10). It has been held that the term "integral" is sufficiently broad to embrace constructions united by such means as fastening and welding. In re Hotte, 177 USPQ 326, 328 (CCPA 1973).

Claims 3 and 17:

A first flat side and the second flat side are defined in outer portions of the bar (flat portion adjacent pin 27, Figure 4).

Claims 4 and 18:

The first flat side is positioned opposite the second flat side with respect to the aperture (Figure 4).

Claims 5 and 19:

The first flat side and second flat side are oriented vertically (Figure 4).

Claim 7:

The first and second indentations further define the aperture (Figure 1).

Claims 9 and 16:

The aperture is further defined by the upper end of the stem, as the upper end closes the aperture (Figure 4).

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Claim 10:

The aperture is curved adjacent the intermediate portion of the bar and substantially flat adjacent the upper end of the stem (plate 23 is the top of the stem, Figure 1).

Claim 12:

The stem (15 and 23, Figure 1) is substantially cylindrical.

Claim 14:

Andrews et al. discloses a concrete anchor comprising a ring-shaped bar (26) having a first end (left side of bar) and a second end (right side of bar) adjacent the first end, a first indentation (left central portion of bar) located on an inner portion of the bar opposite a first flat side (left flat portion is engaged by bolt head 27), and a second indentation (right central portion of bar) located on an inner portion of the bar, opposite a second flat side (right flat portion is engaged by bolt head 27) and a foot (17, Figure 1) coupled to the first end and second end of the ring-shaped bar via pins (27).

Claim 15:

Andrews et al. discloses a concrete anchor further comprising a stem (15) having a first end coupled to the first end and the second end of the bar via bolts (27) and the second end of the stem coupled to a foot (17).

Claim 21:

The first and second indentations are positioned opposite one another with respect to the aperture (Figure 1).

Claim 22:

Andrews et al. discloses that the first and second indentations are located generally centrally with respect to the vertical height of the aperture (Figure 1).

Claim 25:

Although applicant attempts to claim a method, claim 25 is considered an article claim as it depends from article claim 14. Therefore, the method steps in the claim are not given patentable weight, and Andrews et al. is considered to read upon the claim, as no further structural limitations are given to the concrete anchor.

Claims 26 and 28:

The intermediate portion of the bar has a smaller cross-section than the sections with a first flat side and a second flat side.

Claims 27 and 29:

The intermediate portion of the bar is rounded.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 8 and 12 are rejected under 35 U.S.C. 103(a) as being unpatentable over US Patent 3,297,293 to Andrews et al.

Claim 8:

While Andrews et al. discloses that the first and second indentations are located generally centrally with respect to the vertical height of the aperture, Andrews et al. does not disclose that the first and second flat sides are also centrally located with respect to the vertical height of the aperture. However, it would be a matter of design choice to one of ordinary skill in the art at the time the invention was made to extend the flat sides such that they are centrally located. Furthermore, applicant does not state the criticality of the flat sides being centrally located.

Claim 12:

While Andrews et al. shows that the foot is cylindrical, the foot is not shown as frustoconical; however, such a shape is considered a matter of design choice to one of ordinary skill in the art.

Prior Art Made of Record

US Patent 5,469,675 to Arteon discloses a concrete cast anchoring piece.

US Patent 4,634,326 to Fischer discloses an expansion anchor.

Contact Information

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Naoko Slack whose current telephone number is 571-272-6848. The examiner can normally be reached on Mon-Fri (6:00 am-2:30pm).

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Carl D. Friedman can be reached on 571-272-6842. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Naoko Slack
Primary Examiner
Art Unit 3635

NS
May 10, 2005